

7A-42

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
2556/006

In Re Application Of: **Gene E. Nacey**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/005,985	Nov. 12, 2001	D. Bonshock	23861	2173	9262

Invention: **VISUAL DISPLAY OF ROOM INFORMATION**



Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☐ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☒ was filed on August 13, 2007; September 6, 2007

The proposed reply is in the form of: Amendment & Petition for Extension of Time; RCE

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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In Re Application Of:

Gene E. Nacey

Application No.
10/005,985

Filing Date
Nov. 12, 2001

Examiner
D. Bonshock

Customer No.
23861

Group Art Unit
2173

Confirmation No.
9262

Invention: **VISUAL DISPLAY OF ROOM INFORMATION**

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____

Total fees enclosed: \$750.00

The fee of **\$750** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-0525**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
2556/006

In Re Application Of:
Gene E. Nacey

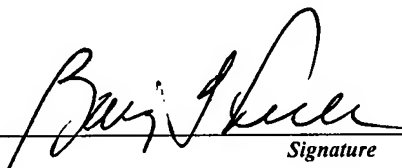
Application No. 10/005,985	Filing Date Nov. 12, 2001	Examiner D. Bonshock	Customer No. 23861	Group Art Unit 2173	Confirmation No. 9262
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Invention: **VISUAL DISPLAY OF ROOM INFORMATION**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Dated: **September 12, 2007**


Signature

**Barry I. Friedman, Esq.
Reg. No. 33,695
Metz Lewis LLC
11 Stanwix Street, 18th Floor
Pittsburgh, PA 15222
(412) 918-1100**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

September 12, 2007

(Date)


Signature of Person Mailing Correspondence

Barry I. Friedman

Typed or Printed Name of Person Mailing Correspondence

cc:



Attorney Docket No.: 2556/006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 2173 : PATENT APPLICATION
Examiner D. Bonshock :
In re application of : **VISUAL DISPLAY OF ROOM**
GENE E. NACEY : **INFORMATION**
Serial No. 10/005,985 :
Filed November 12, 2001 :

**PETITION FOR REVIVAL OF UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Pittsburgh, Pennsylvania 15222

September 12, 2007

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

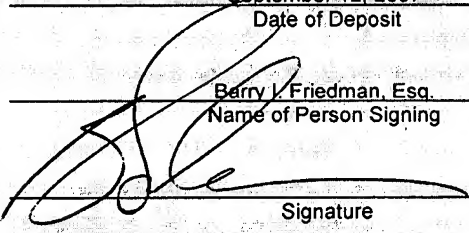
Sir:

The above-identified application became abandoned for failure to file a complete response to the Office Action mailed by the United States Patent and Trademark Office on February 16, 2007.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

September 12, 2007
Date of Deposit

Berry L. Friedman, Esq.
Name of Person Signing


Signature

Applicant hereby petitions the Commissioner for revival of this application pursuant to 37 C.F.R. § 1.137(b) because the abandonment of the application was unintentional.

The general facts supporting this Petition are as follows:

1. The present application was filed on November 12, 2001.
2. On February 16, 2007, a Final Office Action was mailed by the Patent and Trademark Office to Applicants' attorney of record, who at that time was Ference & Associates, rejecting claims 1-37.
3. On August 9, 2007, Applicant filed a Revocation of its Power of Attorney to Ference & Associates, a New Power of Attorney to Metz Lewis LLC, and a Statement Under 37 CFR 373(b). Notice of acceptance of the new Power of Attorney was mailed from the United States Patent and Trademark Office on August 23, 2007.
4. On August 13, 2007, Applicant's attorney filed an Amendment in response to the February 16, 2007 final rejection along with a Petition for a three-month extension of time and a check for the proper petition fee. Applicant's attorney noted the finality of the rejection and inadvertently omitted a Request for Continued Examination.
5. On September 4, 2007, Applicant's attorney received an Advisory Action noting that the response filed on August 13, 2007 was incomplete because it did not include a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.
6. Upon recognition of the omission of the RCE, Applicant's attorney filed an Request for Continued Examination on September 6, 2007, authorizing the Director to charge the appropriate filing fees to its Deposit Account No. 50-0525.
7. In a telephone conference with Supervisory Patent Examiner John Cabeca on September 12, 2007, Applicant's attorney was advised that the RCE would not be accepted

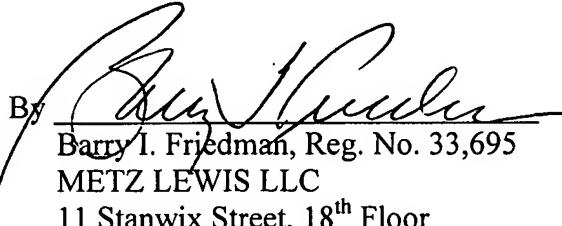
because the maximum time limit for response to the February 16, 2007 Office Action had expired and the application had become abandoned.

8. Applicant's attorney immediately filed this Petition to revive Serial No. 10/005,985, as Applicant had no intention of abandoning the application.

Applicant respectfully requests that this Petition for Revival be granted, and that the Amendment and Petition for Extension of Time filed on August 13, 2007, and the Request for Continued Examination mailed on September 6, 2007, be accepted in response the February 16, 2007 Office Action.

Along with this Petition, Applicant has enclosed a check in the amount of \$750.00 for the fee to file this Petition. Should any other fees be required, Applicant hereby authorizes the Commissioner to charge the additional fees to Deposit Account No. 50-0525. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

By 
Barry I. Friedman, Reg. No. 33,695
METZ LEWIS LLC
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(412) 918-1100